

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROBERT F. COLWELL, JR.,

Plaintiff,

v.

UR M. JADDOU, Director USCIS;
A. ASHLEY TABADDOR, Chief Counsel
USCIS; and MERRICK B. GARLAND, US
Attorney General,

Defendants.

8:22CV216

ORDER

This matter is before the Court on an Order to Show Cause (Filing No. 4) filed by the magistrate judge¹ on October 6, 2022. The magistrate judge ordered plaintiff Robert F. Colwell, Jr. (“Colwell”) to show by October 27, 2022, why the Court should not dismiss this case for failure to serve the defendants and for failure to prosecute pursuant to Federal Rule of Civil Procedure 4(m). *See* Fed. R. Civ. P. 4(m) (“If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time.”). The magistrate judge noted Colwell filed this action on June 16, 2022, and more than 90-days had elapsed without him filing any indication the defendants had been served with notice of this action. The magistrate judge warned Colwell that failure to timely comply with the show-cause order could “result in dismissal of this without further notice.”

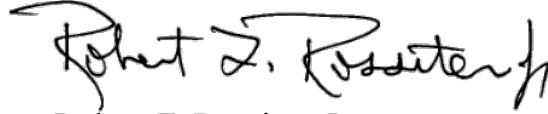
Despite that warning, Colwell has neither (1) responded to the magistrate judge’s order to show cause, (2) provided any evidence of proper service, nor (3) requested an extension of time to complete service. For those reasons, the Court finds dismissal of this action without prejudice is appropriate. Accordingly,

¹The Honorable Michael D. Nelson, United States Magistrate Judge for the District of Nebraska.

IT IS ORDERED that this case is dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

Dated this 31st day of October 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge